

Chapter 10: WAGE ATTACHMENTS

What is a wage attachment?

A wage attachment is an order for an employer to deduct child support payments directly from the wages of an employee and send the payment to the Division of Child Support Enforcement. Wage attachments are sometimes called income withholding orders.

Why are wages attached?

Wage attachments are required by Federal and State law because they are the best way to be sure that child support payments are made in full and on time.

Are wage attachments only for parents who are delinquent in their child support payments?

No. Wage attachments are issued for almost all new child support orders. Wage attachments are also issued when existing child support orders are modified.

If I am ordered to pay child support, will my wages be attached?

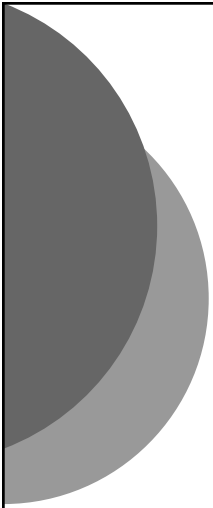
Yes, most likely. Both Federal and State law require that a wage attachment must be issued for every child support order. The only exception is when the Court finds that there is good reason not to require immediate wage withholding. For example, a wage attachment may not be issued if there is an alternative payment arrangement outside the control of the obligor.

Can payments from wage attachments be paid directly to the custodial parent?

No. According to Delaware law, all wage attachments must be paid through the Division of Child Support Enforcement. The Division keeps an official accounting of the payments. After the amount is recorded, a check is sent to the parent or deposited in the payee's account. This helps avoid misunderstandings about amounts owed and protects both parents by ensuring that all payments are recorded.

Is there a limit to how much of an employee's pay may be deducted for a child support wage attachment?

Yes. The Federal Consumer Credit Protection Act applies to wage attachments for child support. Instructions on the wage attachment tell the employer the maximum that may be deducted for that employee. The amount deducted may not be more than: 50% if the employee is supporting a second family or 60% if the employee does not support a second family. If the employee owes child support arrears that are 12 weeks or more past due, an additional 5% is added to the limit.



Chapter 10: WAGE ATTACHMENTS cont'd

Can an employer fire an employee because his/her wages are attached?

No. It is against the law for an employer to fire an employee because his/her wages have been attached. In addition, an employer may not refuse to hire an individual because of a wage attachment.

Can an employer refuse to deduct child support payments from an employee's wages?

No. An employer may be fined for refusing to obey an order to attach the wages of an employee.

If I leave my job, do I have to make payments while I am unemployed?

Yes. You are still responsible for paying child support, even though you are unemployed. You may file a petition asking the Court to modify your child support order while you are unemployed. You should make your payments to the Division of Child Support Enforcement. Do not make payments directly to the custodial parent, or you may not get credit for them. As soon as you find another job, you must report the name and address of the new employer to Family Court so that a new wage attachment can be issued.